

**RESTRICTIVE COVENANT (for Authorized Disposal Site)**

\_\_\_\_\_ is  
(are) the owner(s) in fee simple of that certain real  
property located in the county of \_\_\_\_\_,  
Kansas and more particularly described by the  
following legal description:

This space reserved for Register of Deeds

by virtue of a deed dated \_\_\_\_\_, \_\_\_\_\_, recorded in Book \_\_\_\_\_,  
Page \_\_\_\_\_, in the Office of the Register of Deeds, \_\_\_\_\_ County, Kansas.

**1. PROPERTY USE**

That part of the property described below and delineated on the attached drawing is at the date of filing in use as a  
solid waste disposal area under authorization # \_\_\_\_\_ issued by the Kansas Department of Health and Environment:

Hereinafter, "property" or "site" shall mean the part of the property described above and delineated on the attached  
drawing.

After closure of the disposal area, the property shall be used only for the following purposes and no others:

**2. PROTECTION OF SYSTEMS, MARKERS**

All future land uses must be conducted in a manner which will protect and preserve the integrity of the environment  
and all waste containment and monitoring systems, if any. All present and future owners and tenants of this property  
must preserve and protect all permanent survey markers and benchmark and all environmental monitoring stations,  
if any, installed on the property.

### **3. CONSTRUCTION: APPROVAL**

Any subsequent property owners and/or tenants are required to consult with KDHE during planning of any improvement to the property and to obtain written approval from KDHE in Topeka, Kansas, before any work is done to any monitoring devices or systems, before improvement of this site is performed, or before any excavation or construction of permanent structures, drainage ditches, changes to the contour or dirt work, changes in the vegetation grown, production or sale of food chain crops, or removal of any security fencing, signs, or devices installed to restrict public access to waste storage or disposal areas.

### **4. EASEMENT TO KDHE**

The Kansas Department of Health and Environment, its successors or assigns and any duly authorized agents or contractors employed by or on behalf of KDHE are hereby granted a permanent easement to enter or come upon the property to perform the following actions:

- a. Complete any work necessary which may be specified in or be a part of a closure plan required to be submitted to the department;
- b. Perform any maintenance or monitoring of any of the waste disposal area;
- c. Sample, repair, or reconstruct any waste containment system or environmental monitoring stations.

### **5. DISCLOSURE**

Any offer or contract for the conveyance, sale, lease, or other interest in the property must contain full and complete disclosure of all terms, conditions and requirements for long term care and land use which is imposed by current statutes, rules and regulations or the disposal authorization existing at the time of the offer or contract. The offer or contract must also contain provisions for proper and continued maintenance of the waste containment system and testing of the monitoring systems, if any.

### **6. BINDING TERMS**

These limitations, restrictions, easements, conditions, and covenants shall be permanent and shall run with the land and shall be binding on all parties now having or hereafter acquiring any right, title, or interest in the property or any part thereof. These covenants, easement, and all related documents can be extinguished only by written agreement between the property owner and the Kansas Department of Health and Environment

**ACKNOWLEDGEMENT**

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Title)

\_\_\_\_\_  
(Date)

STATE OF KANSAS )

) ss:

COUNTY OF )

BE IT REMEMBERED, that on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came \_\_\_\_\_, authorized representative of \_\_\_\_\_ company, who is personally known to be such person who executed the above document on behalf of said corporation, and such person duly acknowledged the execution of the same to be his/her act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed my official seal the day and year written above.

\_\_\_\_\_  
Notary Public

My term expires: